

May 8, 2013

Ms. Marlene H. Dortch, Secretary

Federal Communications Commission

445 12 St. SW

Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, MM Docket No. 99-25 – Creation of a Low Power Radio Service

Dear Ms. Dortch:

On Tuesday, May 7, Brandy Doyle and Paul Bame of Prometheus Radio Project along with their counsel, Laura Moy of the Institute for Public Representation (collectively “Prometheus representatives”), spoke by telephone with Peter Doyle, Parul Desai, Edna Prado, and James Bradshaw of the Media Bureau’s Audio Division to discuss issues in the above-referenced docket.

Prometheus representatives discussed issues raised in the Prometheus Petition for Reconsideration and the subsequent Reply to Oppositions to the Petition. Via email prior to the meeting, Prometheus representatives also shared with Audio Division staff an updated version of the study referenced in the Petition, which can be found at <http://prfr.org/~bame/cdbsMay6/>.

Prometheus representatives argued that incomplete and incorrect translator data in CDBS will pose difficulties for LPFM applicants required to protect translator input signals, and asked the Commission staff to improve the data quality prior to the upcoming LPFM window. In particular, they discussed the problem of records missing data on the primary station being rebroadcast. They also asked the Commission for guidance in advising applicants who are located near translators with incomplete records.

Prometheus representatives asked the Commission to revise §73.827(b), which requires an LPFM station to protect translator input signals in use at the time the LPFM station is authorized. As discussed in the Prometheus Petition for Reconsideration, Prometheus believes that the cutoff date for LPFM operators protecting the input signals of translators should be the public notice announcing the LPFM window, corresponding to the cutoff date listed in §73.807 for LPFM

stations protecting translators and translator applications.<sup>1</sup> Such a cutoff would give LPFM applicants more certainty in selecting locations that will not result in interference. Prometheus representatives argued that translator input signals that change after this date should not receive protection from earlier-filed LPFM applications and stations.

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Brandy Doyle  
Policy Director, Prometheus Radio  
Project

cc: James Bradshaw  
Parul Desai  
Peter Doyle  
Edna Prado

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<sup>1</sup> §73.807 (c): In addition to meeting the separations specified in paragraphs (a) and (b), LPFM applications must meet the minimum separation requirements in the following table with respect to authorized FM translator stations, cutoff FM translator applications, and FM translator applications filed prior to the release of the Public Notice announcing the LPFM window period.